



U.S. Department of Justice

United States Attorney
Southern District of New York

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November 10, 2021

By ECF and Email

(CronanNYSDChambers@nysd.uscourts.gov)

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: *W.P.V., on his own behalf and on behalf of his minor child, W.P.O. v. U.S., et al.*
No. 21 Civ. 4436 (JP)

Dear Judge Cronan:

The parties provide the below update regarding the above-captioned case. On July 22, 2021, the Court granted the Government's application to stay this matter pending settlement negotiations, adjourned the initial conference *sine die*, and ordered the parties to submit a status update by September 2, 2021. Dkt. No. 21. In that status update, the parties requested that the stay be continued until November 19, 2021, and that the parties provide a further update by November 10, 2021. Dkt. No. 27. The parties write to provide the Court with the ordered status update and to request an additional 30-day stay of this matter until December 20, 2021.

On September 20, 2021, the Court also granted the request of Cayuga Home for Children, Inc. d/b/a/ Cayuga Centers ("Cayuga") for a stay and for an extension of time to answer, or otherwise respond to, the Complaint to November 19, 2021. Dkt. No. 31.

Over the past 60 days, the United States and the group of counsel coordinating negotiations on behalf of plaintiffs and claimants ("Coordinating Counsel") have continued to work diligently in an effort to resolve the many district court cases and administrative tort claims that have been filed by claimants across the country, arising from family separations at the United States/Mexico border that occurred during the prior administration. An agreement has not been reached. However, a further abeyance will allow the parties to continue focusing their efforts on attempting to resolve these matters. Accordingly, the parties jointly request that this action, including all proceedings and case deadlines, be held in abeyance for an additional 30 days. The parties, therefore, propose providing the Court with a further update on December 13, 2021, including addressing the date by which the Government and Cayuga must respond to the complaint in the event the stay is going to be lifted. At that point, the parties hope that they will have further clarity on the likelihood of potentially resolving this matter or whether the stay must be lifted in order to allow litigation to commence.

Similarly, counsel for plaintiffs and Defendant Cayuga continue to engage in good faith settlement negotiations. However, to the extent that Plaintiffs' counsel seeks to achieve a global

settlement, negotiations between plaintiffs and Cayuga have essentially tracked with those of the negotiations with the Government.

Accordingly, the parties respectfully request that the stay in this matter be continued to December 20, 2021, and that the parties provide the Court with a further status update by December 13, 2021.

We thank the Court for its consideration of this matter.

Sincerely,

/s/ Aamir A. Kazi

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